

job done—a job that is admittedly harder because of radical environmental appeals, litigation and FOIA requests.

This bill also codifies the ability of the BLM and Forest Service to “categorically exclude” grazing permit renewal, reissuance or transfer from the paperwork requirements under National Environmental Policy Act (NEPA) if the permit or lease continues current grazing management on the allotment. Minor modifications to a permit or lease can also be categorically excluded from NEPA if monitoring indicates that the current grazing management has met or is moving toward rangeland and riparian objectives and there are no “extraordinary circumstances.” Finally, this section allows the BLM and Forest Service to continue to set their priority and timing for permit renewal or reissuance.

3. Applicability of Administrative Procedure Act. This provision is really what levels the playing field for the rancher, against the environmental “willing buyer” and the arbitrary decisions of the governmental regulator.

First, this provision applies a real decision making process, with an independent hearing officer or judge, to Forest Service administrative appeals. Currently, legal challenges to Forest Service decisions are heard by the “next higher Forest Service line officer.” There have long been allegations that this system is significantly skewed so that the Forest Service decision maker is “almost always right.” For example, out of the 28 decisions that were administratively appealed in Forest Service Region 2 (Wyoming, Colorado, Kansas, Nebraska, South Dakota) from 2009 to the present, only two were rejected as being legally or factually wrong. In that same time period, in California, out of 78 appeals, only 13 decisions were either rejected or withdrawn. In Arizona and New Mexico, the Forest Service “independent review by the next higher line officer” only found 15 out of 83 decisions were deficient. In other words, just considering these three Forest Service regions, the agency found itself right 85 percent of the time. In a fair and equal system, no one is right that many times!

This provision would change that pattern so that Forest Service grazing permittees would appeal the decisions they believed were legally, factually or scientifically wrong to an independent law judge and the Forest Service would have to show why its decision is right, rather than the permittee having to show why the decision is wrong. The permittee would also be able to cross-examine Forest Service “experts” on the reasons for the decision and the agency would have to supply some justification for its decision. It is critical that Forest Service permittees have the ability to protect themselves from arbitrary decisions—an ability they do not have now.

Second, this Act would level the playing field for BLM permittees. Like the Forest Service provisions discussed above, this bill “changes” the current appeals system by requiring the BLM to prove its decision is legally and scientifically correct, rather than forcing the permittee to prove why the decision is legally and scientifically wrong.

Additionally, the OHA has determined that when the BLM issues a decision adversely affecting a permittee’s grazing privileges, the BLM decision can still be upheld, even if the BLM did not comply with all of the grazing regulations. In short, under the current appeals system, the permittee’s experts have to show why the BLM experts are wrong (a burden that is very hard to carry) and the BLM decision can still be held to be correct, even if the BLM only substantially complied with its regulations. This is not a level playing field and a problem that absolutely needs corrected.

Finally, this section also returns to the law the “automatic stay” provisions eliminated by the Bruce Babbitt “Range Reform ‘94” regulations, except for decisions of a temporary nature and except in emergency situations.

In truth, this bill is more than mere technical changes to erroneous agency regulations—it gives some very real protection to the permittees. For example, the Ruby Pipeline “donation” to Western Watersheds Project to purchase grazing preferences on a “willing seller” basis only works if the permittee is honestly “willing to sell.” However, if the permittee is always behind the curve in protecting his grazing permit and the only way he can “win” is by “voluntarily selling” his permit for pennies on the dollar, the word “willing” is truly compulsion. And, in the case of the Forest Service, the current administrative appeals process is like asking your father to change the decision of your mother, when your mother and father agreed on the decision before it was dictated to you.

Finally, this bill reverses the U.S. Justice Department capitulations to environmental groups during the course of recent litigation. These “settlements” have significantly restricted the BLM’s and Forest Service’s ability to legitimately use categorical exclusions to renew grazing permits. Neither the Justice Department nor the federal bureaucrats should be allowed to make Congressional policy without the Congressional branch of government.

Make no mistake—this is not just a public lands ranchers’ bill; this bill will help preserve family ranches, rural communities and the American beef supply. This is an American jobs bill! I urge your support and ask that you request your Congressional representatives support this bill.

#### ADDITIONAL STATEMENTS

##### 30TH ANNIVERSARY OF THE GOOD SHEPHERD FOOD BANK

• Ms. COLLINS. Mr. President. In early 1981, JoAnn and Ray Pike of Lewiston, ME, became concerned about the growing number of families and elderly in their community who were going hungry. Inspired by a newspaper story about an organization in Kansas City that received food donations from the food industry to distribute to those in need, the Pikes and their home prayer group turned concern into action.

On Palm Sunday of that year, the people of the twin cities of Lewiston-Auburn joined in a walkathon and raised \$6,000. The Good Shepherd Food Bank was born. Thirty years later, it serves all 16 Maine counties, providing nourishment and hope to more than 70,000 Maine people each month.

This remarkable story of compassion started small. The first food bank was located in an apartment and garage at the Pike home. Within 8 months, the quantity of donated food outgrew that space and the operation moved to a former textile mill in Lewiston. Today, the food bank has more than 100,000-square feet of warehouse space in Lewiston, Portland, and Brewer, enough to store 12 million pounds of food per year.

At first, a handful of food companies joined this effort. Word of the good work being done in Lewiston quickly

spread, and food manufacturers, distributors, and supermarkets throughout Maine stepped forward—more than 200 companies now contribute to the food bank.

Getting so much food to so many people over such a large area is a great challenge. It is a challenge that has been met by volunteers. The Good Shepherd Food Bank has established partnerships with more than 600 organizations throughout Maine—churches, charities, and civic clubs—that form a vast distribution network. This results in an operation of extraordinary efficiency. For every \$1 donated to support food bank operations, \$8.50 worth of food is provided.

As a founding member of the Senate Hunger Caucus, I know we have done much here in Washington to ensure food security for all, but that there is more to do. I also know that so much of the real work of helping those in need is done in our communities by caring and dedicated citizens. The Good Shepherd Food Bank of Maine is a shining example of such caring and dedication, and I congratulate this wonderful organization and its many supporters on 30 years of inspiring service.●

#### TRIBUTE TO MALCOLM ROSS O'NEILL

• Mr. LEVIN. Mr. President, today I wish to recognize the distinguished career of a highly decorated soldier and accomplished public servant. Following decades of unwavering service to our Nation, Dr. Malcolm Ross O'Neill recently retired as the Assistant Secretary of the Army for Acquisition, Logistics & Technology, AL&T. In his capacity as the Assistant Secretary and Army acquisition executive, Dr. O'Neill led the Army's 41,000-member acquisition workforce in its vital mission to equip and sustain the world's most capable, powerful, and respected Army.

Dr. O'Neill has made significant contributions to our national security over the course of a career spanning nearly five decades. He proudly served 34 years on active duty as an Army officer, both in peacetime and in combat. Dr. O'Neill was commissioned in the U.S. Army as a field artillery officer in 1962 and served with the 82nd Airborne Division; as an adviser with the 21st Reconnaissance Company of the 21st Army of the Republic of Vietnam Division; and assistant chief of staff, Ammunition, with the Danang Support Command in Vietnam. His first acquisition job was as a member of the source selection team for what was then called surface-to-air missile, development—now the Patriot missile system. His extensive military experience includes service as commander, U.S. Army Laboratory Command; deputy director of the Strategic Defense Initiative Organization; and director of the Ballistic Missile Defense Organization.

Under Dr. O'Neill's leadership as Assistant Secretary of the Army, the

Army acquisition community has honored its paramount commitment to meet the needs of soldiers in combat missions today. However, Dr. O'Neill also reenergized the Army's efforts to develop advanced soldier capabilities for tomorrow's conflicts. He reminded us that scientific and technical advancements play a critical role in maintaining the Army's unparalleled preeminence in the future. As the lead Army acquisition official, Dr. O'Neill made significant progress in developing a vigorous and robust science and technology portfolio incorporating the combined efforts of Army scientists, labs, advisory boards and other stakeholders. These accomplishments will leave an indelible impact on the Army's warfighting capabilities.

Dr. O'Neill's emphasis on sound management and execution of major weapon systems has helped the Army to prioritize capabilities and modify existing programs to achieve long-term success. He has played a critical role in bringing the Army requirements, resourcing, testing, and acquisition communities together to make informed decisions and adjustments within key programs. As the Army and Department of Defense continue to transform through an era of limited resources, Dr. O'Neill championed the importance of wise investments, competition, and sound acquisition strategies to ensure that more money was spent on the warfighting capabilities of our soldiers and less on overhead. The Army is in a better position to adapt to an ever-changing environment of competing needs as a result of his efforts.

Three words define this dedicated public servant: honor, integrity, and courage. The Nation is in his debt for his many accomplishments during the long and distinguished career of Malcolm Ross O'Neill.●

#### 100TH ANNIVERSARY OF CHALLENGE DAIRY PRODUCTS

● Mr. ROBERTS. Mr. President, I would like to bring to the attention of my colleagues a milestone that has been reached by an important cooperative association responsible for the marketing and distribution of dairy products from 450 California family-owned dairies.

Challenge opened for business under the name of Challenge Cream & Butter Association 100 years ago with four employees and a wagon. That first day, Challenge sold 12 pounds of butter. Today, Challenge Butter is the largest butter brand in the West, and Challenge Dairy is the leading dairy foodservice provider in California, with eight distribution centers spanning the State in Lodi, San Leandro, Monterey, Fresno, Santa Maria, Ventura, Los Angeles, and San Diego. Challenge directly employs over 175 hard-working California citizens and has aided thousands of California dairy farmers in their success over the years. Today, more than 450 dairies are part of Chal-

lenge's cooperative, putting tens of millions of dollars into California's economy annually.

Challenge's success is made up of dedicated California dairy farmers and employees who have ensured the quality of all products produced from each of its creameries. Early on, dairymen realized marketing was and remains to be key in successfully spreading the word about the quality of their products, which was why Challenge was conceived.

The benefits of farmer cooperation were so effective that the status of every single dairyman was materially improved, just from their existence. A leader in quality improvement, Challenge established the standards all other dairy organizations followed. Thus, Challenge has figuratively held a protective umbrella over farm endeavors, for the good of the farmers and the Nation, for more than a century.

By refusing to sell any item that didn't meet the highest standards, Challenge built a reputation for quality. That reputation has grown as Challenge led the way in the dairy industry with product and manufacturing innovations such as the aluminum butter churn, the first successful metal butter churn in the world.

Now a wholly owned subsidiary of California Dairies, Inc. CDI, California's largest dairy provider and the second largest in the country, Challenge has grown to represent more than 450 dairy farmers and markets nearly half of CDI's butter supply. CDI has six manufacturing facilities that are located throughout the central valley and directly employs over 740 people.

Challenge has operated through two World Wars and the Great Depression in addition to a number of other obstacles. Through it all, the company adapted and persevered to continue fulfilling the people's need for quality dairy products and support the dairy farmers behind producing products. We believe Challenge embodies the determination and the spirit of the people of California.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-1945. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Oversight of Contractor Ethics Programs" ((RIN9000-AL92)(FAC 2005-52)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1946. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-52; Introduction" (FAC 2005-52) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1947. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Prohibition on Contracting with Inverted Domestic Corporations" ((RIN9000-AL28)(FAC 2005-52)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1948. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Technical Amendments" (FAC 2005-52) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1949. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005-52) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1950. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Women in the Federal Government: Ambitions and Achievements"; to the Committee on Homeland Security and Governmental Affairs.

EC-1951. A communication from the Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, a report relative to action taken on audit reports (for the period October 1, 2010 through March 31, 2011); to the Committee on Homeland Security and Governmental Affairs.

EC-1952. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the Proliferation Security Initiative; to the Committee on Homeland Security and Governmental Affairs.

EC-1953. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1954. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Administrator's Semiannual Management Report to Congress for the period